

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)		ATTORNEY'S DOCKET NUMBER <b>X-15584</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)
INTERNATIONAL APPLICATION NO. <b>PCT/US2003/019554</b>		INTERNATIONAL FILING DATE <b>11 July 2003 (11.07.2003)</b>
		PRIORITY DATE CLAIMED <b>24 July 2002 (24.07.2002)</b>
TITLE OF INVENTION: <b>DIHYDRO-DIBENZO[B,E]OXEPINE BASED SELECTIVE ESTROGEN RECEPTOR MODULATORS, COMPOSITIONS AND METHODS</b>		
APPLICANT(S) FOR DO/EO/US: <b>Owen Brendan Wallace</b>		
Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:		
1.	<input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.	
2.	<input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.	
3.	<input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).	
4.	<input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.	
5.	<input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))	
	a.	<input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).
	b.	<input type="checkbox"/> has been transmitted by the International Bureau.
	c.	<input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).
6.	<input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).	
7.	<input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))	
	a.	<input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).
	b.	<input type="checkbox"/> have been transmitted by the International Bureau.
	c.	<input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.
	d.	<input checked="" type="checkbox"/> have not been made and will not be made.
8.	<input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).	
9.	<input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).	
10.	<input checked="" type="checkbox"/> A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.	
11.	<input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).	
Items 12. to 18. below concern document(s) or information included:		
12.	<input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.	
13.	<input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.	
14.	<input type="checkbox"/> Assignment has been recorded at reel _____, frame _____.	
15.	<input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.	
	<input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.	
16.	<input type="checkbox"/> A Sequence Listing, 1.821 Statement, and diskette.	
17.	<input checked="" type="checkbox"/> A power of attorney with attachment.	
18.	<input checked="" type="checkbox"/> Other items or information: Please amend the first page of the specification by inserting the following cross-reference after the title: <b>"This is the national phase application, under 35 USC 371, for PCT/US2003/019554, filed 11 July 2003, which claims the benefit, under 35 USC 119(e), of US provisional application 60/398,538, filed 24 July 2002."</b>	

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) <b>10/521137</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2003/019554</b>	ATTORNEY'S DOCKET NUMBER <b>X-15584</b>																				
19. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Stage Fee = <b>\$ 300.00</b> National Stage Search Fee = <b>\$ 500.00</b> National Stage Examination Fee = <b><u>\$ 200.00</u></b> <b>TOTAL NATIONAL STAGE FEES</b> <b>\$1,000.00 (a)</b>		<b>CALCULATIONS PTO USE ONLY</b>																					
Application Length Fee  Total Length (excluding sequence listings)  $47 - 100 + 50 \times 250 = 0$ (b)																							
<b>ENTER APPROPRIATE AMOUNT (a + b) =</b>		<b>\$ 1,000.00</b>																					
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$																					
<table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>24 -20=</td> <td>4</td> <td>X \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>4 -3=</td> <td>1</td> <td>X \$200.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td colspan="2">+ \$360.00</td> </tr> <tr> <td colspan="2"><b>TOTAL OF ABOVE CALCULATIONS</b></td> <td><b>\$ 400.00</b></td> <td></td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	24 -20=	4	X \$50.00	Independent claims	4 -3=	1	X \$200.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00		<b>TOTAL OF ABOVE CALCULATIONS</b>		<b>\$ 400.00</b>		\$	
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Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).		\$																					
<b>SUBTOTAL =</b>		<b>\$ 1,400.00</b>																					
Processing fee of <b>\$130.00</b> for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$																					
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 1,400.00</b>																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). + \$40.00 per property		\$																					
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 1,400.00</b>																					
		<b>Amount to be refunded</b>	\$																				
		<b>charged</b>	\$																				
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of <b>\$ 1,400.00</b> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.																							
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>																							
SEND ALL CORRESPONDENCE TO: <b>ELI LILLY AND COMPANY</b> PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288  <u>1/11/05</u> DATE 43.972 REGISTRATION NUMBER		 <b>SIGNATURE</b> <b>Gilbert T. Voy</b> NAME  <b>(317) 276-2966</b> TELEPHONE NUMBER	 <b>25885</b> PATENT TRADEMARK OFFICE																				

10/521137

UT12 Rec'd PCT/PTO 12 JAN 2005

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicant(s): **Owen Brendan Wallace**

International Application No.: **PCT/US2003/019554**

Filed: **11 July 2003 (11.07.2003)**

Invention: **DIHYDRO-DIBENZO[B,E]OXEPINE BASED SELECTIVE ESTROGEN  
RECEPTOR MODULATORS, COMPOSITIONS AND METHODS**

Lilly Reference: **X-15584**

Earliest Priority Date: **24 July 2002 (24.07.2002)**

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL832954751US

Date of Deposit: 1-12-2005

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Queen C Thomas  
(Typed or printed name of person mailing paper)

Queen C Thomas  
(Signature of person mailing paper or fee)